

**ENTERED**

July 10, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

VS.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY, *et al.*,

Defendants,

BAYOU CITY WATERKEEPER,

**Intervenor-Defendant.**

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3:23-cv-17


## ORDER

The court, having considered the Agencies' motion to stay the case and all briefing in that motion, hereby GRANTS the motion.

The consolidated cases are stayed until publication in the Federal Register of the Agencies' forthcoming rule to amend the 2023 Rule (88 Fed. Reg. 3004) consistent with the Supreme Court's opinion in *Sackett v. EPA*, 143 S. Ct. 1322 (May 25, 2023). The Agencies shall notify the court and the parties when the new rule is published in the Federal Register. The parties shall submit a proposal or proposals for further proceedings within 21 days after the new rule's publication. The Agencies shall provide periodic status

reports every 45 days during the duration of the stay, with the first status report due 45 days from the date of this order.

Signed on Galveston Island this 10th day of July, 2023.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE